UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,663	06/29/2001	Tsutomu Chiba	210608US2	9397

22850 7590 02/08/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
RHODE JR, ROBERT E	

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/893,663	CHIBA, TSUTOMU	
	Examiner	Art Unit	
	Rob Rhode	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 & 19 -23* is/are pending in the application.

4a) Of the above claim(s) *11-18* and 24, 25 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1-10-05 has been entered.

Response to Amendment

Applicant amendment of 1-10-05 amended claims 19 – 23, which addressed and ensured compliance with 35 USC 101 and withdrew claims 11 – 18 from consideration as well as traversed rejections of Claims 1 – 10 and 19 - 23. In addition, Applicant added claims 24 and 25

Currently, claims 1- 10 and 19 - 25 are pending.

Election/Restrictions

Newly submitted claims 24 and 25 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: because the claims are divergent from the original presented invention and specifically

claim 24 is Method of registering with input features and Claim 25 is a Method of Introducing with turn around times.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 24 and 25 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 10 and 19 - 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhaskaran (US 6,157,915) in view of Thackston (US 6,295,513 B1).

Regarding claim 1 and related claims 6 and 19 (currently amended), Bhaskaran teaches a computer implemented method, apparatus and computer program of assisting the placing of an order for manufacturing a semiconductor device, comprising:

registering a maker group using a registration unit of a controller of a computer, said maker group having interfaces configured to hand over intermediate results from

an upper maker to a lower maker of makers of the maker group in a manufacturing flow of the semiconductor device (see at least Col 3, lines 33 – 42, Col 5, line 18 and Figure 1), including:

organizing the maker group from the makers of different categories in the manufacturing flow of the semiconductor device in collaboration with one another using an organizing unit of the controller (see at least Abstract and Col 3, lines 43 – 59);

confirming the interfaces among the makers in the organized maker group using a confirming unit of the controller (see at least Col 4, lines 13 – 40 and Col 5, lines 1 - 9); and

recording the interface-confirmed maker group using a recording unit of the controller (see at least Col 5, lines 10 – 25). Please note that Bhaskaran does not disclose semiconductor devices. However, Bhaskaran does disclose production and supply by various makers of computers, which include semiconductor devices/products. Moreover, Bhaskaran discloses and teaches that the method, apparatus and computer program is not limited to just the examples cited and therefore can be used to produce/manufacture any product. Thereby, it would have been obvious to one of ordinary skill in the art to have extended the method, apparatus and computer program of Bhaskaran with the production/manufacturing of a semiconductor device.

While Bhaskaran does disclose collaborative production/manufacturing by various maker groups providing components to each level of maker of a product and it is implicit that these groups have been introduced since supply chains participants for corporation

are each approved/vetted before inclusion, the reference does not specifically disclose and teach a method, apparatus and computer program

introducing the maker group having the interfaces using an introducing unit of the controller including:

retrieving the maker group groups that satisfies specifications set for the semiconductor device using a retrieving unit of the controller.

On the other hand and in the same area of collaborative producing/manufacturing a product such as semiconductor device, Thackston does disclose and teach a method, apparatus and computer program for introducing the maker group having the interfaces using a introducing unit of the controller including:

retrieving the maker group that satisfies specifications set for the semiconductor device using a retrieving unit of the controller (Abstract, Col 1, lines 19 -31, Col 36, lines 42 – 63, Col 38, lines 39 – 54 and Figure 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method, apparatus and computer program of Bhaskaran with the method, apparatus and computer program of Thackston to have enabled a method, apparatus and computer program of assisting the placing of an order for manufacturing a semiconductor device, comprising: registering a maker group having interfaces configured to hand over intermediate results from an upper maker to a lower maker of makers of the maker group in a manufacturing flow of the semiconductor device,

including: organizing the maker group from the makers of different categories in the manufacturing flow of the semiconductor device in collaboration with one another; confirming the interfaces among the makers in the organized maker group; and recording the interface-confirmed maker group; and introducing the maker group; introducing the maker group having the interfaces including: retrieving the maker group groups that satisfies specifications set for the semiconductor device – in order to have a completed supply chain for production/manufacturing a product, which includes selected maker groups for various components. Bhaskaran discloses a method, apparatus and computer program of assisting the placing of an order for manufacturing a semiconductor device, comprising: registering a maker group having interfaces configured to hand over intermediate results from an upper maker to a lower maker of makers of the maker group in a manufacturing flow of the semiconductor device, including: organizing the maker group from the makers of different categories in the manufacturing flow of the semiconductor device in collaboration with one another; confirming the interfaces among the makers in the organized group; and recording the interface-confirmed maker group; and introducing the maker group (Abstract and Figure 1). Thackston discloses a method, apparatus and computer program for introducing the maker group having the interfaces including: retrieving the maker group groups that satisfies specifications set for the semiconductor device (Abstract, Col 34, lines 4-6, Col 36, lines 42 – 63, Col 38, lines 39 – 54 and Figure 20). Therefore, one of ordinary skill in the art would have been motivated to extend the method, apparatus and computer program of Bhaskaran with a method, apparatus and computer program for introducing

the maker group having the interfaces including: retrieving the maker group groups that satisfies specifications set for the semiconductor device. In this manner, the entire supply chain is coordinated and optimized in a collaborative fashion as well as ensuring that qualified makers who meet design specifications are the ones to produce/manufacture the product with high quality, which meet all customer requirements. Thereby too, the overall cost associated with producing the device is reduced as result of almost real time communication in design, selection and manufacturing of the device/product.

Regarding claim 2 and related claims 7 and 20 (currently amended), Bhaskaran teaches a computer implemented method, wherein: said registering a maker group includes inviting the makers (Abstract and Figure 1). Please note that Bhaskaran does not specifically disclose inviting. However, Bhaskaran does disclose supply chain, which require inviting members to participate through formal RFP process as taught by Thackston or by past experience. In this regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extended Bhaskaran with inviting and thereby formally invited participants to the maker group.

Regarding claim 3 and related claims 8 and 21 (currently amended), Thackston teaches a computer implemented method, wherein: said introducing maker groups includes assisting the retrieved maker group groups selected for placing the order for

manufacturing the semiconductor device (Abstract and Col 2, lines 14 – 65 and Col 4, lines 41 – 50).

Regarding claim 4 and related claims 9 and 22 (currently amended), Thackston teaches a computer implemented method, apparatus and computer program, wherein: said introducing maker groups includes assisting to determine the specifications (Col 1, lines 65 – 67 and Col 2, lines 1 – 2).

Regarding claim 5 and related claims 10 and 23 (currently amended), Bhaskaran teaches a computer implemented method, wherein: said introducing maker groups includes scheduling delivery dates when the makers of the retrieved maker group groups hand over the intermediate results (Col 1, lines 44 – 53).

Response to Arguments

Applicant's arguments filed 1-10-05 have been fully considered but they are not persuasive.

Applicant argues that there was no motivation to combine Bhaskaran with Thackston.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the nature of the problem to be solved is to provide a method, apparatus and computer program for manufacturing/producing various components of a device/product, which constitute a supply chain in a collaborative fashion with multiple makers or producers. In that regard, both references would have fairly suggested and taught one of ordinary skill in the art that they are addressing and solving this problem of enhancing collaboration with open architecture computer systems. For example, Bhaskaran discloses the requirement for collaboration in producing a device/product based on an open architecture, which uses object oriented architecture/technology and includes geographical distributed producers/makers of components of a product/device (Abstract, Col 2, lines 58 – 65 and Figure 1). In turn, Thackston also discloses the requirement for collaboration in designing and producing a device/product using an open architecture, which incorporates object oriented technology and includes geographical distributed makers of components of a product/device (Abstract, Col 2, lines 37 – 67, Col 5, lines 21 – 29 and Col 6, lines 27 and 51 - 53). Additionally, the applicant contends that the GMR of Thackston would not work in the system environment of Bhaskaran. However, the GMR as taught by Thackston is database of registered participants (Col 5, lines 30 – 32) and in turn Bhaskaran discloses a database too, which would include registered participants (Col 5, lines 1 - 9). Moreover a database, which is old and well known in the art is

defined by Computer & Internet Dictionary, Third Edition as "a collection of information organized in such a way that a computer program can quickly select desired pieces of data ....traditional databases are organized by fields, records and files" and also stated in the applicant's IDS of 6/21/2001 that "The variety information of each enterprise in apparel business world is managed..... Data base connection between more than one companies." Moreover, both references disclose the requirement for ease of information/data sharing between participants (see Thackston, Col 3, lines 53 – 59 and Col 5, lines 21 – 29 and Bhaskaran Col 2, lines 47 - 65) and thereby would teach one of ordinary that a complete system redesign of the Open Architecture of Bhaskaran would not be required. Furthermore, it is well known to one of ordinary skill in the art that increasing global competition has and is requiring that manufactures/producers of products optimize their supply chain in order to reduce cost as well as improve delivery time. In order to achieve these objectives, these participants and especially producers/manufactures are searching and incorporating business process and technology to optimize their supply chains, which both these references disclose. In light of these facts, one of ordinary skill in the art would have been motivated to extend the method, apparatus and computer program of Bhaskaran with a method, apparatus and computer program for introducing the maker group having the interfaces including: retrieving the maker group groups that satisfies specifications set for the semiconductor device. In this manner, the entire supply chain is coordinated and optimized in a collaborative fashion as well as ensuring that qualified makers who meet design specifications are the ones to contribute to producing/manufacturing the product with

high quality, which meet all customer requirements. Thereby too, the overall cost associated with producing the device is reduced as result in optimization of design, selection and manufacturing of the device/product.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RER

Jeffrey A. Smith
Primary Examiner